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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/041,913	01/08/2002	Wayne R. Walisser	R.I.C-2431	4081
7590 04/09/2004 Kenneth P. Van Wyck, Esq. Borden Chemical, Inc., Law Dept. 180 East Broad Street Columbus, OH 24215			EXAMINER YOON, TAE H	
			ART UNIT 1714	PAPER NUMBER

DATE MAILED: 04/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

A-S

Office Action Summary	Application No. 10/041,913	Applicant(s) WALISSER, WAYNE R.	
	Examiner Tae H Yoon	Art Unit 1714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| <p>1) <input type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date ____.</p> | <p>4) <input type="checkbox"/> Interview Summary (PTO-413)
 Paper No(s)/Mail Date. ____.</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6) <input type="checkbox"/> Other: ____.</p> |
|--|---|

The recited "on" in claim 20 is objected and correction ("o") is needed.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishida et al (US 5,571,854) in view of Berchem et al (US 4,098,770) and Waitkus et al (US 4,626,569).

Ishida et al teach phenolic resin molding materials containing a novolak type phenolic resin and a crystalline phenolic compound which provides a lower viscosity and improved flow rate in abstract and examples and at col. 3, lines 23-29. Mold temperature of 175 °C and in-mold cure time are seen at col. 5, line 48. Various fillers are taught at col. 3, lines 56-65.

The instant invention further recites the use of a spray dried phenolic resole resin over Ishida et al. However, said spray dried phenolic resole resin is well known in the art as taught by Berchem et al, abstract. Waitkus et al teach that a resol resin does not require any crosslinking agent but novolak phenolic resin does at col. 1, line 56 to col. 2, line 18.

It would have been obvious to one skilled in the art at the time of invention to utilize a spray dried phenolic resole resin of Berchem et al in Ishida et al since said resol resin provides an advantage not requiring a crosslinker which requires an additional

Art Unit: 1714

cost and processing as evidenced by Waitkus et al and since Ishida et al teach that a novolak type phenolic resin can be used at col. 3, lines 20-22 which implies the use of other phenolic resin.

Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishida et al (US 5,691,409) in view of Berchem et al (US 4,098,770) and Waitkus et al (US 4,626,569).

Ishida et al teach phenolic resin molding materials containing a novolak type phenolic resin and a crystalline phenolic compound which provides a lower viscosity and improved flow rate in abstract and examples and at col. 3, lines 26-31. Mold temperature of 160-200 and 175 °C is seen at col. 4, line 46 and col. 6, line 22, and the recited in-mold cure time is an obvious design choice.

The instant invention further recites the use of a spray dried phenolic resole resin over Ishida et al. However, said spray dried phenolic resole resin is well known in the art as taught by Berchem et al, abstract. Waitkus et al teach that a resol resin does not require any crosslinking agent but novolak phenolic resin does at col. 1, line 56 to col. 2, line 18.


It would have been obvious to one skilled in the art at the time of invention to utilize a spray dried phenolic resole resin of Berchem et al in Ishida et al since said resol resin provides an advantage not requiring a crosslinker which requires an additional cost and processing as evidenced by Waitkus et al and since Ishida et al teach that a

novolak type phenolic resin can be used at col. 3, lines 20-22 which implies the use of other phenolic resin.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tae H Yoon whose telephone number is (571) 272-1128. The examiner can normally be reached on Mon-Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Tae H Yoon
Primary Examiner
Art Unit 1714

THY/April 1, 2004